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UNITED STATES Bankruptcy court
Southern District of New York

CHAPTER 11

Creditor, Pro SE

CASE NO: 19-23649

V.

MOTION: Extension of

Purdue Pharma L.P. et al,
debtors

Time "Bar Date" request

I

Jurisdiction and VENUE

1. This is a chapter 11 Bankruptcy case claim in which the creditor Tristan K. Martinez begs this court for his claim to be recognized as being filed timely. This court has the authority under the federal rule of Bankruptcy Procedure 9006 (b)(1). This creditor is requesting for what constitutes as, "excusable neglect," to be applied to his claim. This creditor's Personal Injury claimant Proof of claim form, (claim no: 628762) where filed by the Purdue Pharma claims Processing center (days/mos 18 mos 24 days) after the July 30, 2020 Bar Date

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The creditor,

Tristan K. Martinez request for the following facts to be applied to the reasoning in which this great court will be able to make an informative and knowledgeable decision.

II. Facts

a. The global Pandemic has slowed and even halted my life due to the nation wide lockdown and my ability to communicate and correspond has become hindered and also come to a stand still at times this was out of my control.

b. At the time this creditor, tried to acquire the required claim documents, the United States Postal Service was lacking in funds and due to that, the affected states where informed mail would be late for outgoing and incoming. This delay transpired at the same time and several months prior to and after the courts new "Bar Date". This was out of my control.

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C. I am currently Incarcerated and have been in the Washington State Penitentiary Since (5 years) in Washington State. Here at the Prison, we only receive limited out time a day and "no" Publications are allowed except for W.S.A. Today etc, and that has to be purchased from an outside vendor. I am an Independent inmate so I am unable to purchase the Papers. So I am ignorant to what all is transpiring in the outside world and its ongoings. As soon as I could I sent a request for forms to the Purdue Pharma claims Center c/o Prime Clerk, on or about the month of (12-10-21) I received an acknowledgement on (2-02-22) my claim was received and processed.

d. I, Tristan K. Martinez, did Attempt to file my claim forms in the fastest time frame possible with regards to my current incarcerations and constant state lock downs, due to the Global Pandemic which is completely out of my control.

III Legal claims

The Creditor, Tristan K. Martinez

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alleges he attempted to follow the courts requirements and rules as best as he was physically capable of doing in, respect to his current incarceration.

This creditor "acted in good faith"

(Fed rules Bankr. Proc. rule 9006(b)(1) 11

U.S.C.A. CIV 6VF (Lux) master S.a.r.l. v,

Lehman Bros. Holdings Inc. 445 B.R.

137 (S.D. N.Y. 2011).

This Creditor is the movant requesting for the acceptance of this claim's extension of Bar Date. So this creditor's claim may be recognized as timely.

"Excusable neglect Standard that governs a creditor's ability to file a proof of claim after the expiration of the claim bar date is a Flexible one, and excusable neglect may include Inadvertence, mistake or carelessness,

as well as intervening circumstances beyond the creditor's control. (Fed. B. Bankr. P. 9006(b)(1).

In re Motors. Liquidation company, 576 B.R. 761

Bankr. S.D. N.Y. 2017) under the excusable neglect

Standard governing the filing of Late Proofs of claim,

Congress Plainly contemplated that courts would be permitted, when appropriate,

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To accept late filings caused by inadvertence, mistake, or carelessness, as well as by intervening circumstances beyond a Party's control, (Fed. B. Bankr. P. 9006 (b). In re, Energy Future Holdings Corp., 619 B. R. 99 (Bankr. D. Del. 2020).

IV Prayer for Relief

Wherefore, creditor respectfully prays that this court enter judgment granting the recognition of a.) Personal Injury claimant Proof of claim Form.

Dated, Respectfully submitted

- Verification -

I Have read the foregoing and hereby verify that the matters alleged therein are true, except as to the matters alleged on information and belief, and, as to those, I believe them to be true. I Certify under the penalty of Perjury that the foregoing is true and correct.

Executed at

City, Walla Walla State, Washington

date.

Signature: IM

Print: Isian Martinez

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Tristan Martinez #349911
Williams-205-19-23649-shl Doc 4415
Washington State Penitentiary
1813 W 13th Ave
Walla Walla, Wa 99362

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Pg 6 of 6

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To: Judge D. Drain
United States Bankruptcy Court
Southern District of New York
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White Plains, NY, 10601 (3)

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